

Appln. No. 10/672,253
Filed: September 26, 2003
Resp. to Office action of April 9, 2007
Amendment dated July 9, 2007

REMARKS

Claims 1-23 are pending in the Application and all were rejected in the Office action mailed April 9, 2007. Claims 24-35 are added by this response. Claims 1, 13, and 24 are independent claims. Claims 2-12, 14-23, and 25-35 depend from independent claims 1, 13, and 24, respectively.

Applicants respectfully request reconsideration of pending claims 1-23 and consideration of new claims 24-35, in light of the following remarks.

Amendments to the Specification

Applicants have amended paragraph [02] of the Specification, to update information about the listed applications. Applicants respectfully submit that these amendments do not add new matter.

Rejections of Claims

Non-Statutory, Obviousness-Type Double Patenting

Claims 1-23 stand provisionally rejected on the ground of non-statutory, obviousness-type double patenting over claims 1-24 of co-pending Application No. 10/657,390 and claims 1-24 of co-pending Application No. 10/672,654. Applicants do not agree with the Examiner's rejection, but nevertheless are submitting a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c), disclaiming the terminal part of this application that extends beyond the expiration dates of commonly owned Applications having serial numbers 10/657,390 and 10/672,654, to obviate the double patenting rejection. Applicants respectfully submit that the obviousness-type double patenting rejection is overcome.

Rejections Under 35 U.S.C. §102

Claims 1-23 were rejected under 35 U.S.C. §102(e) as being anticipated by Oz et al. (US 7,181,159, hereinafter “Oz”). The Applicants respectfully traverse the rejection.

With regard to the anticipation rejections, MPEP 2131 states, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed.Cir. 1987). MPEP 2131 also states, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

With regard to Applicants’ claim 1, Applicants respectfully submit that Oz fails to teach, suggest, or disclose, for example, “[a] system supporting user defined filtering of media consumption in a media exchange network, the system comprising a television display supporting consumption of media via a communication network; a storage for storing media, the storage communicatively coupled to the television display, and having an associated first network address; a user interface for display on the television display, the user interface having at least one view comprising a collection of media channels, each media channel in the collection of media channels comprising a sequence of media available to a first user, the display and consumption of each media channel subject to at least one media filter, the at least one media filter comprising characteristics of media defined by a second user; at least one server supporting the consumption of media, and having an associated second network address; and server software that receives via the communication network a request identifying one of the associated first and second network addresses, and that responds by identifying the other of the associated first and second network addresses to coordinate the consumption of media.”

More specifically, Applicants respectfully submit that Oz fails to teach or suggest, among other things, “...a user interface for display on the television display....” The

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Office action states that "...Oz teaches...a user interface (162, fig 1) for display on the television display...." Applicants respectfully disagree. Applicants respectfully submit that "user interface 162" of Oz is part of the "digital set top box 132" of FIG. 1, that "user interface 162" receives user input, and is not "...for display on the television display...", as recited in Applicants' claim 1. Applicants respectfully submit that "user interface 162" is different from and does not anticipate "...a user interface for display on the television display..." as recited in Applicants' claim 1.

According to Oz, at column 13, lines 7-15:

"The ITC is relatively "thin", as it only needs to filter/select relevant application packets, to provide video output interface 158 with display instructions that are embedded within the selected application packets, and to interpret incoming signals from user interface 162 to events. Set-top-box 132 is not aware of logical connections between application packets of distinct visual object, and usually merely changes its filter in view of detected events, to select application packets." (underline added)

Based at least upon the above, Applicants respectfully submit that Oz fails to teach or suggest "...a user interface for display on the television display...", as recited in Applicants' claim 1, and therefore, does not teach at least this element of Applicants' claim 1.

The Office action, at page 4, states that Oz teaches "...the user interface having at least one view comprising a collection of media channels, each media channel in the collection of media channels comprising a sequence of media available to a first user...." Applicants respectfully disagree. Applicants respectfully submit that Oz is silent with respect to a "...user interface having at least one view comprising a collection of media channels...", as recited in Applicants' claim 1. Neither the figures nor the text of Oz provide any teaching or suggestion of views of a user interface for display on a

television, let alone a user interface having at least one view comprising a collection of media channels. Based at least upon the above, Applicants respectfully submit that Oz fails to teach or suggest at least this element of Applicants' claim 1.

The Office action, at page 4, also alleges that Oz teaches "...at least one media filter, the at least one media filter comprising characteristics of media defined by a second user...." Applicants respectfully disagree. Applicants respectfully submit that the Office action has failed to show where Oz teaches or suggests a media filter defined by a user, let alone "...at least one media filter, the at least one media filter comprising characteristics of media defined by a second user...", as recited in Applicants' claim 1. Applicants respectfully submit that instead, Oz teaches "...[a] set-top-box is configured to filter the media packets and to display visual objects in response to events that are initiated by an end-user." (Col. 9, lines 19-22) In addition, Oz makes no mention of "...a sequence of media available to a first user, the display and consumption of each media channel subject to at least one media filter, the at least one media filter comprising characteristics of media defined by a second user...", as recited in Applicants' claim 1. Based at least upon the above, Applicants respectfully submit that Oz fails to teach or suggest at least these elements of Applicants' claim 1.

The Office action states, at page 4, that Oz teaches "...server software (col. 14 lines 18-47) that receives via the communication network a request identifying one of the associated first and second network addresses, and that responds by identifying the other of the associated first and second network addresses to coordinate the consumption of media...." Applicants respectfully disagree.

According to Oz, at column 14, lines 18-47:

"BMS 37 of FIG. 2A is analogous to BMS 36 of FIG. 2B but has an additional router 125, it is further coupled to internet 126 and to an additional application server 115. Router 125 is coupled via link 140 to broadband multimedia router 116 for allowing set-top-boxes to interact with internet 126 and additional application server 115. Application

providers such as application servers 115 and 117, are configured to provide control and display code, embedded within a plurality of application packet. Router 125 can also be utilized to download ITC from internet 126.

BMS 36 includes a logical communication bus 136, a session manager unit 102, a bandwidth utilization collector 104, a dynamic network restructuring unit 106, a network policy settings unit 108, a network management system 110, a broadband multimedia router 116, a QAM array 118, an RF switch 120, an RF upstream module 124, an RF combiner array 122, an Out-Of-Band unit 134, and a management system 112. BMS 36 is coupled to a plurality of set-top-boxes $34_{1,1}$ - $34_{R,Q}$ via Hybrid Fiber Coax (HFC) network 128. The set-top-boxes are grouped in service groups 35_1 - 35_R , whereas members of the same service group receive the same In band signal. Set-top-box $34_{R,Q}$ is the Q'th member of the R'th service group.

Broadband multimedia router 116 is coupled to logical communication bus 136, RF upstream module 124, QAM array 118, to at least one application provider, such as application server 115, to media providers such as VOD servers 252, music on demand unit 254, interactive MPEG unit 256, Internet television 258, telephony gateway 262, and the like."

Applicants respectfully submit that the portions of the Oz reference shown above, specifically identified in the Office action as teaching "...server software that receives via the communication network a request identifying one of the associated first and second network addresses, and that responds by identifying the other of the associated first and second network addresses to coordinate the consumption of media...", fail to teach or disclose anything about "...receiv[ing] via the communication network a request identifying one of the associated first and second network addresses...", as recited in

Applicants' claim 1. The cited portions of Oz also fail to teach or suggest that the server software "...responds by identifying the other of the associated first and second network addresses...", in accordance with Applicants' claim 1. Accordingly, Applicants respectfully submit that Oz fails to teach or suggest at least these elements of Applicants' claim 1.

Based at least upon the above, Applicants respectfully submit that the Oz reference fails to teach each and every element of Applicants' claim 1, as required by M.P.E.P. §2131, and that a rejection of claim 1 under 35 U.S.C. §102(e) cannot be maintained.

Therefore, for at least the reasons set forth above, Applicants believe that claim 1 is allowable. Applicants respectfully submit that claims 2-12 are dependent claims depending from allowable claim 1. Because claims 2-12 depend from allowable independent claim 1, claims 2-12 are allowable as well, for at least the same reasons. Therefore, Applicants respectfully request that the rejection of claims 1-12 under 35 U.S.C. §102(e), be withdrawn.

With regard to claim 13, Applicants respectfully submit that Oz fails to teach or suggest, for example, "[a] system supporting user defined filtering of media consumption in a media exchange network, the system comprising a television display; a storage for storing media, the storage communicatively coupled to the television display; a user interface comprising a collection of media channels, each media channel in the collection of media channels comprising a sequence of media available to a first user, the display and consumption of each media channel subject to at least one media filter, the at least one media filter comprising characteristics of media defined by a second user; at least one server communicatively coupled to the storage; and server software that receives a request via a communication network, and responds by coordinating the consumption of media by the television display."

The Office action states that "...[c]laims 13-23 contain the same limitations as discussed in claims 1-12 above. Therefore they are rejected under the same rationale."

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(Office action at page 7) The Office action fails to set forth any further reasoning for the rejection of claims 13-23. Applicants respectfully submit that Oz fails to teach each and every element of Applicants' claim 13, for at least the reasons set forth above with respect to the elements of claim 1. For example, Applicants respectfully submit that Oz fails to teach or suggest, at least, "...a user interface comprising a collection of media channels...", "...at least one media filter comprising characteristics of media defined by a second user...", and "...server software that receives a request via a communication network, and responds by coordinating the consumption of media by the television display...", for at least the reasons set forth above with respect to Applicants' claim 1. Based at least upon the above, Applicants respectfully submit that Oz fails to teach each and every element of Applicants' claim 13, as required by M.P.E.P. §2131, that the Office has failed to establish a *prima facie* case of anticipation, and that a rejection of claim 13 under 35 U.S.C. §103(e) cannot be maintained.

Therefore, Applicants believe that claim 13 is allowable, for at least the reasons set forth above. Applicants respectfully submit that claims 14-23 are dependent claims depending from allowable claim 13. Because claims 14-23 depend from allowable independent claim 13, Applicants respectfully submit that claims 14-23 are allowable as well, for at least the same reasons. Therefore, Applicants respectfully request that the rejection of claims 13-23 under 35 U.S.C. §102(e), be withdrawn.

Newly Added Claims

Applicants have added new claims 24-35. Claim 24 is an independent claim from which new claims 25-35 depend. Claims 24-35 are similar in many respects to claims 1-13. Applicants respectfully submit that claims 24-35 do not add new matter.

Conclusion

In general, the Office action makes various statements regarding claims 1-23 and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve

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the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Dated: July 9, 2007

/Kevin E. Borg/

Kevin E. Borg
Reg. No. 51,486

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street
Suite 3400
Chicago, Illinois 60661
Phone (312) 775-8000
Facsimile (312) 775-8100